B. REMARKS

In the above-noted Office Action, claims 17-29 were rejected under 35 U.S.C. 112. Claims 1-6, 13-14, 17, and 28-29 were rejected under 35 U.S.C. 103(a). Claims 15-16 and 30 were stated to be allowable. Claims 7-12, and 23-27 were objected to, but were stated to be allowable if rewritten to overcome the rejections under 35 U.S.C. 112. With the prior amendment dated 3-28-2004, Applicants submitted newly presented claims 31-36. Claim 31 presented original dependent claim 7 in independent form. Since claims 32-36 are all dependent upon independent claim 31, it is assumed that the Examiner will find claims 31-36 to be allowable. With this submission, Applicants amend independent claims 1 and 17. Reexamination and reconsideration are respectfully requested.

In the above-noted Office Action the Examiner has stated that the Applicants' arguments were not persuasive since they were substantially more specific than the claim limitations. With this amendment, Applicants amended previously non-allowed independent claims to incorporate the limitations discussed in Applicants' arguments responsive to the prior Office Action.

The rejected claims all rely upon Frank (US 6,054,844), either singularly or in combination with other references. Frank is quite different from Applicants' invention. As noted in Frank, column 9, lines 13-18, *the electric motor torque overrides the engine torque to force the engine to slow down to the desired power level.* Applicants' invention does not work in such manner. In Applicants' invention, the electric motor is cut off when the switch is made to the internal combustion engine. The electric motor does not again contribute to the torque demand until the vehicle has reached its second level, which is a predetermined percentage of the maximum engine torque output. Thereafter, in a full open throttle situation, torque may additionally be contributed by the electric motor.

Applicants do not rely upon negative torque being provided by the motor to cause the engine to operate in its desired operational range. Accordingly, Frank fails to teach or disclose Applicants' invention

In Applicants' invention, the accelerator pedal has a non-constant angle or travel first position. The reason why the accelerator reaches the first position at various angled positions is that the pedal position refers to the operator's torque demand. However, the angle of the first position is determined by other parameters which in all situations are not linear with respect to torque demand. The first position is the angle position of the accelerator pedal when the engine takes over to respond to the torque demand and wherein the electric motor is

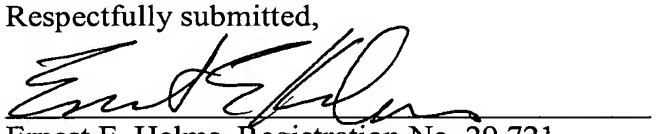
shut off. The switchover from the electric motor to the internal combustion engine determines the accelerator pedal first position. The accelerator pedal second position is a predefined percentage of the maximum torque output of the internal combustion engine. Thereafter, the electric motor is again restarted to contribute torque to the vehicle as the engine reaches a wide-open throttle position.

Applicants' invention essentially relates to the pedal feel of the vehicle. Since the angular movement of the accelerator pedal from the first accelerator position to the second accelerator position is not a constant, there must be a system to scale the accelerator pedal so that the vehicle operator has a constant pedal feel. For instance, dependent upon various vehicle operational parameters, the internal combustion engine may take over upon the vehicle from the electric motor at different percentages of the internal combustion engine's maximum power output. In one example, the internal combustion engine could possibly take over at 30% of its maximum torsional output. In a second example, the internal combustion engine can take over powering the vehicle at 35% of its maximum torsional output of the internal combustion engine. Applicants' invention therefore gives the vehicle operator a pedal feel which is more constant regardless of the angular position of the accelerator pedal, when the transition between electric motor powering of the vehicle to internal combustion engine powering is accomplished.

Nothing in Frank, taken singularly or in combination with any other cited reference, teaches or discloses Applicants' invention.

By this amendment, Applicants have shown that the Examiner's rejections are respectfully traversed. As the application is otherwise in condition for allowance, such action is respectfully requested.

Respectfully submitted,



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